costs to be paid out of income and accordingly I order that the costs of these proceedings be paid out of income.

Order accordingly.

Solicitors: *Laycock & Ong; de Souza & Christopher; Mallal & Namazie.*

R. SABAPATHY v. PUBLIC PROSECUTOR

[C.A. (Thomson C.J., Smith and Syed Sheh Barakbah JJ.) September 5, 1958]

[Penang — F. M. Criminal Application No. 1 of 1958]

Criminal Law and Procedure — Appeal to Court of Appeal — Courts Ordinance, 1948, s.34 — Interpretation — Question of extension of time.

A person wishing to appeal under section 34 of the Courts Ordinance, 1948 must obtain the necessary certificate and must then file it within 30 days or within such extended period as the Court of Appeal may allow. The Court of Appeal cannot consider any question of extension of time until it is known whether or not a certificate has been in fact obtained (or will be obtained in the event of an extension of time being granted).

CRIMINAL APPLICATION.

Thomson C.J.: — This applicant was tried in the Sessions Court at Kuala Trengganu for an offence in contravention of section 3(a) of the Prevention of Corruption Ordinance, 1950. He was acquitted and discharged. With the merits of the acquittal we are not here concerned.

The Public Prosecutor appealed and in the event the order of acquittal and discharge was set aside, a conviction was substituted for it and the applicant was sentenced to three months' imprisonment.

The position then was that the appellant had no further right of appeal unless he could obtain the certificate of the trial Judge or the certificate of the Public Prosecutor under section 34 of the Courts Ordinance.

There would seem to have been some genuine misunderstanding on the applicant's part as to his rights in this connection for which, we hasten to add, the Prisons authorities were in no way responsible. Be that as it may, however, he applied to the Public Prosecutor for a certificate, which he did not obtain, but apparently omitted to apply to the trial Judge.

In the circumstances he filed the present application in which he asked for "an order that the time to appeal to the Court of Appeal be extended and for an order that the Attorney-General be justified in issuing a certificate to the applicant under section 34 of the Courts Ordinance, 1948".

When the matter came on before us, counsel asked leave to amend the application by substituting for the relief asked an order for extension of time within which to file the certificate under section 34 if it was obtained. We granted the application to amend and adjourned consideration of the application as amended to the next sitting of the Court at Penang.

The interpretation of section 34 of the Courts Ordinance is not altogether free from difficulty. Nevertheless, subject to anything that may be said in argument at a later stage, it seems to us that a person wishing to appeal under that section must obtain the necessary certificate and must then file it within thirty days or within such extended period as the Court of Appeal may allow. Clearly on that view this Court cannot consider any question of extension of time until it is known whether or not a certificate has been in fact obtained (or will be obtained in the event of an extension of time being granted) and it was for that reason that we adopted the course which has been described.

Order accordingly.

AZIZ BIN SHARIFF v. EASY BUS CO. & ORS.

[O.C.J. (Buttrose J.) September 12, 1958]

[Singapore — Suit No. 8 of 1957]

Damages — Personal injuries, loss and damage suffered as a result of accident — Prolonged confinement in bed — Loss of kidney — Remoteness of damage.

The plaintiff sued the defendants for damages for personal injuries, loss and damage he suffered as the result of an accident which occurred in March 1956 between the 1st defendant's bus (in which he was a passenger) driven by the 2nd defendant and the 3rd defendant's lorry driven by the 4th defendant. The 3rd and 4th defendants having admitted liability for the accident, the plaintiff's claim against the 1st and 2nd defendants were dismissed with costs payable by the 3rd and 4th defendants. The only question remaining to be determined was as to quantum of damages to which the plaintiff was entitled as against the 3rd and 4th defendants.

The plaintiff sustained a broken leg and was confined to a Hospital bed in the first instance for 5 months. The plaintiff's evidence was that after he had been in the Hospital for 3 months he felt a pain in his stomach. The pain continued intermittently until April 25, 1958 when he was operated on and his right kidney was removed as there was a stone in it. At the hearing the plaintiff applied to amend the statement of claim by adding under "Particulars of Injuries" a new paragraph: "Loss of right kidney involving a further